

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

DECISION and ORDER

-vs-

09-CR-6129-CJS-JWF

ANTHONY TOSCANO,

Defendant.

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This case was referred by order of the Court to U.S. Magistrate Judge Jonathan W. Feldman, pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), on December 2, 2009. The defendant filed motions to suppress identification evidence and statements (Docket No. 40). On April 27, 2010, Judge Feldman filed a Report and Recommendation (Docket No. 82) recommending that the Court deny defendant's motion to suppress. The defendant has filed no objections.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of only those portions of the Report and Recommendation to which objections have been made. Since no objections have been made, the Court adopts Judge Feldman's Report and Recommendation (Docket No. 82) in full. Accordingly, for the reasons set forth in Judge Feldman's Report and Recommendation, the defendant's motion (Docket No. 40) to suppress identification evidence and statements is denied.

IT IS SO ORDERED.

Dated: June 3, 2010  
Rochester, New York

ENTER:

/s/ Charles J. Siragusa  
Charles J. Siragusa  
United States District Judge